

AMENDED IN ASSEMBLY APRIL 30, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 1087**

**Introduced by Assembly Member Frommer**

February 20, 2003

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An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1087, as amended, Frommer. Venipuncture.

Existing law provides that an unlicensed person employed by a licensed clinical laboratory may perform venipuncture or skin puncture for specified purposes upon specific authorization from a licensed physician and surgeon if he or she meets specified requirements, including any required certification.

This bill would provide, in addition, that a person *who has obtained certification as a "certified phlebotomy technician"* may perform venipuncture or skin puncture ~~for nontreatment or to obtain a specimen for nondiagnostic purposes without tests with general supervision if that person is a specified health care practitioner, is licensed under the provisions regulating clinical laboratory technology, or has obtained certification as a certified phlebotomy technician, as defined.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1246 of the Business and Professions Code is amended to read:

1246. (a) Except as provided in subdivision (b), and in Section 23158 of the Vehicle Code, an unlicensed person employed by a licensed clinical laboratory may perform venipuncture or skin puncture for the purpose of withdrawing blood or for clinical laboratory test purposes upon specific authorization from a licensed physician and surgeon provided that he or she meets both of the following requirements:

(1) He or she works under the supervision of a person licensed under this chapter or of a licensed physician or surgeon or of a licensed registered nurse. A person licensed under this chapter, a licensed physician or surgeon, or a registered nurse shall be physically available to be summoned to the scene of the venipuncture within five minutes during the performance of those procedures.

(2) He or she has been trained by a licensed physician and surgeon or by a clinical laboratory bioanalyst in the proper procedure to be employed when withdrawing blood in accordance with training requirements established by the State Department of Health Services and has a statement signed by the instructing physician and surgeon or by the instructing clinical laboratory bioanalyst that such training has been successfully completed.

(b) (1) On and after the effective date of the regulations specified in paragraph (2), any unlicensed person employed by a clinical laboratory performing the duties described in this section shall possess a valid and current certification as a “certified phlebotomy technician” issued by the department. However, an unlicensed person employed by a clinical laboratory to perform these duties pursuant to subdivision (a) on that date shall comply with this requirement within three years after the effective date of those regulations.

(2) The department shall adopt regulations for certification by January 1, 2001, as a “certified phlebotomy technician” that shall include all of the following:

(A) The applicant shall hold a valid, current certification as a phlebotomist issued by a national accreditation agency approved

1 by the department, and shall submit proof of that certification  
2 when applying for certification pursuant to this section.

3 (B) The applicant shall complete education, training, and  
4 experience requirements as specified by regulations that shall  
5 include, but not be limited to, the following:

6 (i) At least 40 hours of didactic instruction.

7 (ii) At least 40 hours of practical instruction.

8 (iii) At least 50 successful venipunctures.

9 However, an applicant who has been performing these duties  
10 pursuant to subdivision (a) may be exempted from the  
11 requirements specified in clauses (ii) and (iii), and from 20 hours  
12 of the 40 hours of didactic instruction as specified in clause (i), if  
13 he or she has at least 1,040 hours of work experience, as specified  
14 in regulations adopted by the department.

15 It is the intent of the Legislature to permit persons performing  
16 these duties pursuant to subdivision (a) to use educational leave  
17 provided by their employers for purposes of meeting the  
18 requirements of this section.

19 (3) Each “certified phlebotomy technician” shall complete at  
20 least three hours per year or six hours every two years of  
21 continuing education or training. The department shall consider a  
22 variety of programs in determining the programs that meet the  
23 continuing education or training requirement.

24 (4) He or she has been found to be competent in phlebotomy by  
25 a licensed physician and surgeon or person licensed pursuant to  
26 this chapter.

27 (5) He or she works under the supervision of a licensed  
28 physician and surgeon, licensed registered nurse, or person  
29 licensed under this chapter, or the designee of a licensed physician  
30 and surgeon or the designee of a person licensed under this chapter.

31 (6) The department shall adopt regulations establishing  
32 standards for approving training programs designed to prepare  
33 applicants for certification pursuant to this section. The standards  
34 shall ensure that these programs meet the state’s minimum  
35 education and training requirements for comparable programs.

36 (7) The department shall adopt regulations establishing  
37 standards for approving national accreditation agencies to  
38 administer certification examinations and tests pursuant to this  
39 section.

1 (8) The department shall charge fees for application for and  
2 renewal of the certificate authorized by this section of no more  
3 than twenty-five dollars (\$25).

4 ~~(e) A person may perform venipuncture or skin puncture for~~  
5 ~~nontreatment or nondiagnostic purposes without supervision if~~  
6 ~~that person is a physician, registered nurse, vocational nurse,~~  
7 ~~physician's assistant, a person licensed under this chapter, or a~~  
8 ~~person who has obtained certification as a "certified phlebotomy~~  
9 ~~technician" in accordance with regulations adopted by the~~  
10 ~~department pursuant to paragraph (2) of subdivision (b).~~

11 (c) A "certified phlebotomy technician" may perform  
12 venipuncture or skin puncture to obtain a specimen for  
13 nondiagnostic tests assessing the health of an individual, provided  
14 that the technician works under the general supervision of a  
15 licensed physician and surgeon, a registered nurse, or a person  
16 licensed under this chapter. As used in this section, "general  
17 supervision" means that the supervisor of the technician reviews  
18 the competency of the technician to perform venipuncture or skin  
19 puncture prior to the technician's first blood withdrawal, and on  
20 an annual basis thereafter. The supervisor is also required to  
21 determine, on a monthly basis, that the technician complies with  
22 appropriate venipuncture or skin puncture policies, procedures,  
23 and regulations. The supervisor, or another designated licensed  
24 physician and surgeon, registered nurse, or person licensed under  
25 this chapter, shall be available for consultation with the  
26 technician, either in person or through electronic means, at the  
27 time of blood withdrawal.

28 (d) The department may adopt regulations providing for the  
29 issuance of a certificate to an unlicensed person employed by a  
30 clinical laboratory authorizing only the performance of skin  
31 punctures for test purposes.